

LEGAL NOTICE
VILLAGE OF BREWSTER
BOARD OF TRUSTEES
PUBLIC HEARING
URBAN RENEWAL PLAN
9-March-2016
7:30 P.M.
MINUTES

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Brewster will hold a Public Hearing ON March 9, 2016 at 7:30 PM or as soon thereafter as time permits for the purpose of obtaining public input regarding the **Urban Renewal Plan for the Brewster Urban Renewal Area**. Text of the proposed Urban Renewal Plan, are available to the general public in the Village Clerk's office or online at www.brewstervillage-ny.gov at least 10 days in advance of the Public hearing.

The Public Hearing will take place at St. Lawrence O'Toole Gymnasium, 34-36 Prospect St., Brewster, NY 10509, at 7:30 P.M. or as soon thereafter as time permits on March 9, 2016. Anyone wishing to be heard may do so as time permits. The Village of Brewster will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and /or reasonable accommodations should contact the Village Clerk. Text of the Local Law is available in Village Hall or online at www.brewstervillage-ny.gov

Dated: 17-February-2016

BY ORDER OF THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BREWSTER
PETER BREWSTER HANSEN
VILLAGE CLERK

The Board of Trustees of the Village of Brewster held a Public Hearing on March 9, 2016 at 7:30 P.M. at St. Lawrence O'Toole Gymnasium, 34-36 Prospect St., Brewster, NY 10509

Attendees:

Mayor: James Schoenig
Deputy Mayor and Trustee: Christine Piccini
Trustees; Mary Bryde, Tom Boissonnault, Erin Meagher
Village Engineer:
Village Counsel: Anthony Molé
Clerk & Treasurer: Peter Hansen

Absent:

John Folchetti

Mayor Schoenig motions to open the public hearing, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Mayor Schoenig introduces Ted Cutler from Tecton Architects who provided a conceptual presentation on potential outcomes of development in the urban renewal area. Presentation is attached to these minutes.

Mayor Schoenig thanks Mr. Cutler and opens the floor to comments from the public.

Mayor Schoenig recognizes Joe Lambert. Mr. Lambert says any sort of change is difficult to accept. Mr. Lambert thanks the current board members and prior board members for their efforts to bring forward the contemplated changes. Mr. Lambert says change is progress and change is finally coming to Brewster. Mr. Lambert says if we had a food truck, a mime, and a one-man band that would be progress compared to what it is currently on Main Street. Mr. Lambert says he wants his and his family's quality of life to improve and this Urban Renewal Plan will help to make that happen.

Mayor Schoenig recognizes Vince Ferrandino. Mr. Ferrandino asks who Tecton Architect's represents here tonight. Mayor Schoenig says that he is representing the developer. Mr. Ferrandino says he was hired by Robert P. Morini and 11 affected property owners in the Village of Brewster. Mr. Ferrandino said he and his firm prepared a blight study for the Village of Brewster in 2011, which the Village adopted but did not act to pursue urban renewal at that time. Mr. Ferrandino read his remarks into the record and these remarks are attached and made a part of these minutes.

Mayor Schoenig recognizes Daniel Leary, Esq. Mr. Leary represents Robert P. Morini and 11 affected property owners in the Village. Mr. Leary read his remarks into the record and these remarks are attached and made a part of these minutes.

Mayor Schoenig recognizes George Sohn. Mr. Sohn says he has been involved in the Village of Brewster for the last 25 years and has worked closely with the Spanish community and St. Lawrence Church during that time. Mr. Sohn says when he hears the words "Urban Renewal" he thinks of three words; disruption, dislocation, and dispossession. Mr. Sohn says there are people here who have established roots and have served this community for 20 years or more. Mr. Sohn says he finds a lot of vitality in this community and when the village talks about urban renewal the end result will be gentrification. Mr. Sohn cites a recent article by Maureen Dowd in the NY Times saying developers are greedy. Mr. Sohn says there have been a number of improvements to property and infrastructure in recent years and thinks the changes have been wonderful. Mr. Sohn says there are those in elected office some years ago who maligned the Village and he does not see that overt discrimination anymore but there may be undercurrents that are driving this effort at urban renewal. Mr. Sohn says that the housing values on the upper part of the village will rise but it will be at the expense of the people in the other half of the village. Mr. Sohn says there are many in the Hispanic community who consider the Village of Brewster their home, their children attend the Brewster School District, and their family attends the church. These people are an integral part of this community and he does not think urban renewal will be fair to these people and asks the Board of Trustees to think of these people.

Mayor Schoenig recognizes Jack Gress. Mr. Gress read his remarks into the record and these remarks are attached and made a part of these minutes.

Mayor Schoenig recognizes Rick Stockburger. Mr. Stockburger read his remarks into the record and these remarks are attached and made a part of these minutes.

Mayor Schoenig recognizes Terri Stockburger. Ms. Stockburger says she was on the Board of Trustees for 10 years and was surprised at the content of the documents when she looked at

them. Ms. Stockburger read her remarks into the record and these remarks are attached and made a part of these minutes.

Mayor Schoenig recognizes Richard Skjerli. Mr. Skjerli says he is pastor of Fountain of Grace Church here in the Village of Brewster and has been in the village since 1987. Mr. Skjerli is a little concerned about how urban renewal came about and did not involve himself in the planning process in the past. Mr. Skjerli says we are all for revitalizing the village and has worked in the community for 25 years or so trying to make the community better. Mr. Skjerli says there are two communities in this village and we need to bring a divided community back together, not raise up one community at the expense of another. Mr. Skjerli said about 18 months ago he and his congregation agreed to buy 4-10 Park Street to make a community center and proceeded to acquire the property for their church. The property was finally purchased in June or July 2015 and he and the church proceeded to discuss plans to provide services to the community utilizing this property. Mr. Skjerli says he was very surprised to learn that the area in question was in the urban renewal zone and nobody told him about what the village was planning for the area. Mr. Skjerli says had he known he may not have purchased the property. Mr. Skjerli says he recognizes the village government is doing its best to bring revitalization to the village but thinks there is a better way than throwing a stone into the middle and watching the ripple effect. Mr. Skjerli says there are other opportunities to redevelop the village without his properties being affected. Mr. Skjerli says the Garden Street School is one such opportunity. Mr. Skjerli says the law protects his church from eminent domain and says he is willing to work with the village to redevelop certain areas in the village but he wants to continue serving this community without displacing many in this village.

Mayor Schoenig says he is surprised that no one disclosed the blight study or plan for urban renewal to Mr. Skjerli prior to his acquisition of the property.

Mayor Schoenig recognizes Frank Marshall. Mr. Marshall says the concept drawings presented are outstanding but they will displace a lot of people. Mr. Marshall says that Mayor Schoenig says he will not use eminent domain.

Mayor Schoenig says he never said that.

Mr. Marshall says that he sees a huge lawsuit against the village and went on to say that the village did not have the money to take these properties. Mr. Marshall says we elected this Board of Trustees but there is an election coming up and maybe things will change unless this board pushes through this plan. Mr. Marshall says he has been here eight years and he has not seen any welcome change during that time. Mr. Marshall says there are more absentee landlords and neglected properties than ever, the businesses on Main Street do not improve their properties and he does not hear anything positive from them until now that they are threatened. Mr. Marshall says there are many questions that have been asked and they remain unanswered and this grand concept of improvements is just pie in the sky.

Mayor Schoenig says we are going to hand out some cards in case anyone had any questions but were unable or unwilling to speak in public. Mr. Schoenig asks if there are any more questions.

Mayor Schoenig recognizes Andrea Dunham. Ms. Dunham says she has lots of mixed emotions about tonight, likes and respects her neighbors, is active in the community, and does not want

to see anyone marginalized. Ms. Dunham says she has not seen any effort by the government to reach out into the community and spur revitalization. Ms. Dunham says there are some nice homes and there are some deteriorated properties and has a hard time reconciling the changes needed versus the potential disruption to her own private property. Ms. Dunham says she does not want the village government to forget the people who create the community and wants to do something now to bring things together and not wait for the pie in the sky idea to come to fruition. Ms. Dunham asks what's next.

Counsel Molé says the next steps are the Village Board work sessions where the comments received will be reviewed on March 14 and 15, 2016. The Board of Trustees may cause additional work sessions to be called but that remains to be seen.

Karen Saunders asks Robert Morini what his plan is for the Village of Brewster since he is the one spear-heading this opposition to the Urban Renewal Plan and has left his property vacant and in a dilapidated condition on Main Street for twenty years. Ms. Saunders asks Mr. Morini what his plan is.

Counsel Molé says the purpose of this hearing is for public comment to the Village Board of Trustees.

Mr. Skjerli asks if there will be a referendum for this development.

Counsel Molé says there is no requirement for a referendum and there is no plan by the Village Board to conduct a referendum and that is not how the Urban Renewal works. Mr. Molé says the time for public input is here and now at this public hearing.

Deputy Mayor Piccini says that the Urban Renewal Plan may be revised as long as the changes are not substantial. If the changes are deemed substantial then the Plan would probably have to have another public hearing.

Jim Bruen asks if the process includes the whole urban regeneration or is the board's plan to take one zone at a time.

Deputy Mayor Piccini says the comments will be reviewed at our work sessions and there is no way to predict what the project scope and schedule will be at this time.

Mr. Marshall says we have specific questions that are never answered and everybody is going to sue the village.

Deputy Mayor Piccini says we have told you our next steps which are work sessions on Monday March 14, 2016 at 6:30PM and Tuesday March 15, 2016 at 6:30 PM at Village Hall, 50 Main Street, Brewster, NY 10509.

Frank Marshall directs his comment to the Mayor.

Mayor Schoenig says he is not going to comment as his words will not be repeated accurately, for example, the claim that I said there would be no eminent domain. I never ever said that. I have said that eminent domain would be a last resort.

Mark Anderson says the Mayor should now say there will not be eminent domain.

Mayor Schoenig says he will not say that.

Mr. Skjerli asks if he is at liberty to improve his property.

Counsel Molé says there is nothing stopping a property owner from improving his property.

Mr. Skjerli says he does not want to spend thirty or forty thousand dollars and have the money be wasted if the board determines a different direction for the property.

Jack Gress asks about the DEP property in section 1 and wonders if the board has reviewed the process to obtain that land and at one time was attempting to gain control over that land.

Mayor Schoenig says we are still in the process of acquiring that land.

Mayor Schoenig thanks Father Gill for allowing the board to use the St. Lawrence Church facility for this public hearing.

Mayor Schoenig motions to close the public hearing, Trustee Bryde 2nd all in favor 5 to 0.

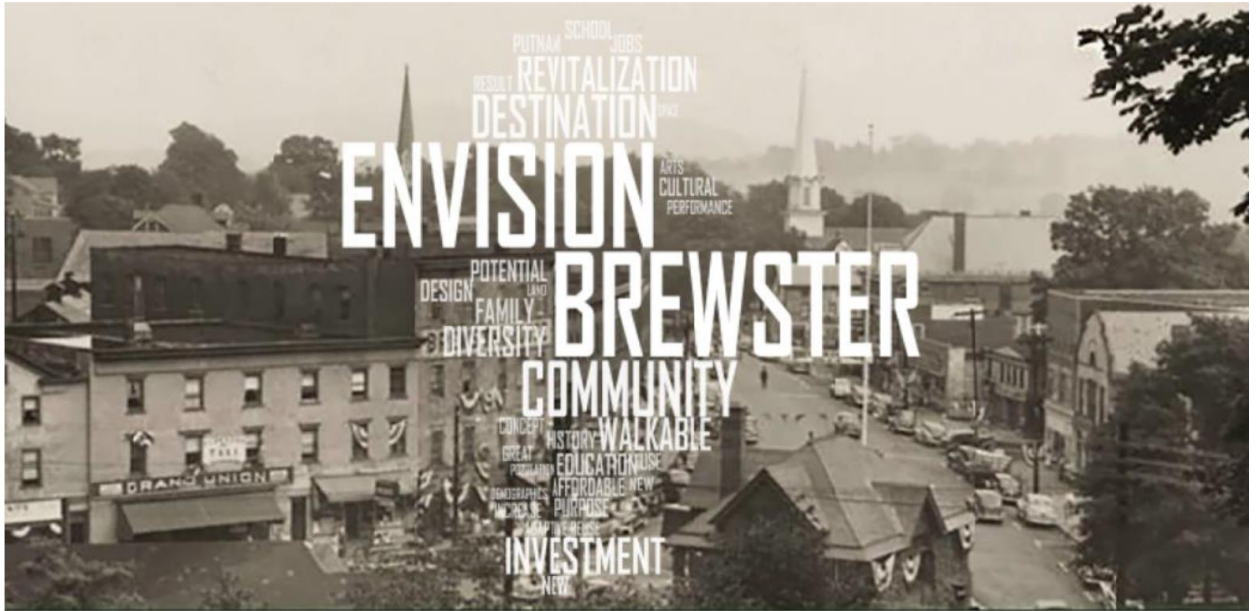
Comments received in writing prior to the public hearing and hereby included and attached and made a part of these minutes: (note, some of these comments were read into the record at the public hearing, others are included as a matter of record.)

1. Jack Gress
2. Rick & Terri Stockburger
3. Terri Stockburger
4. Bob Dumont
5. Andrea Dunham and Christopher Riccio
6. Karen Hill and Frank Marshall

Additional hand-written comments received at the conclusion of the public hearing and hereby included and attached and made a part of these minutes:

1. Denis and Catherine O'Sullivan
2. Renee Diaz
3. Rick Lowell
4. Janet Ward
5. Karen Hill
6. Anonymous

Tecton Architects Presentation:



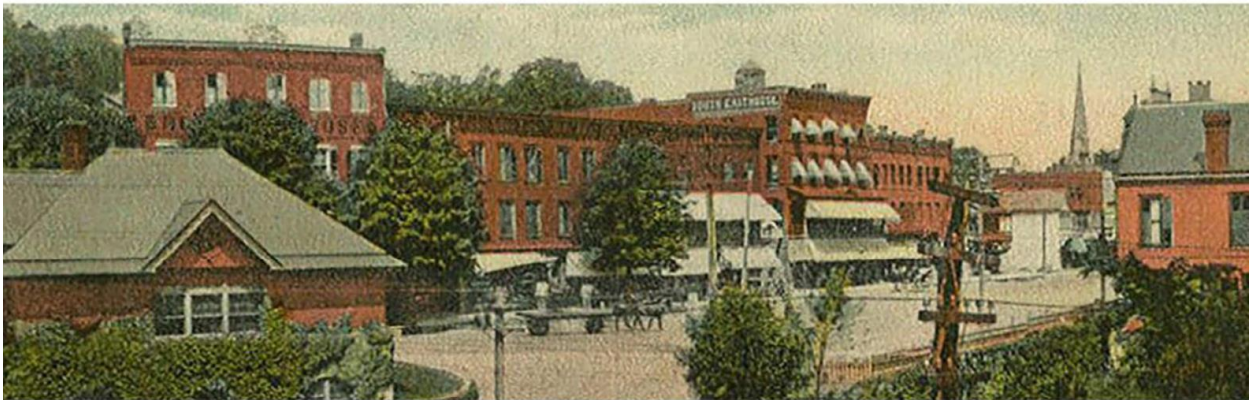
Covington
Development LLC

ideas in progress...

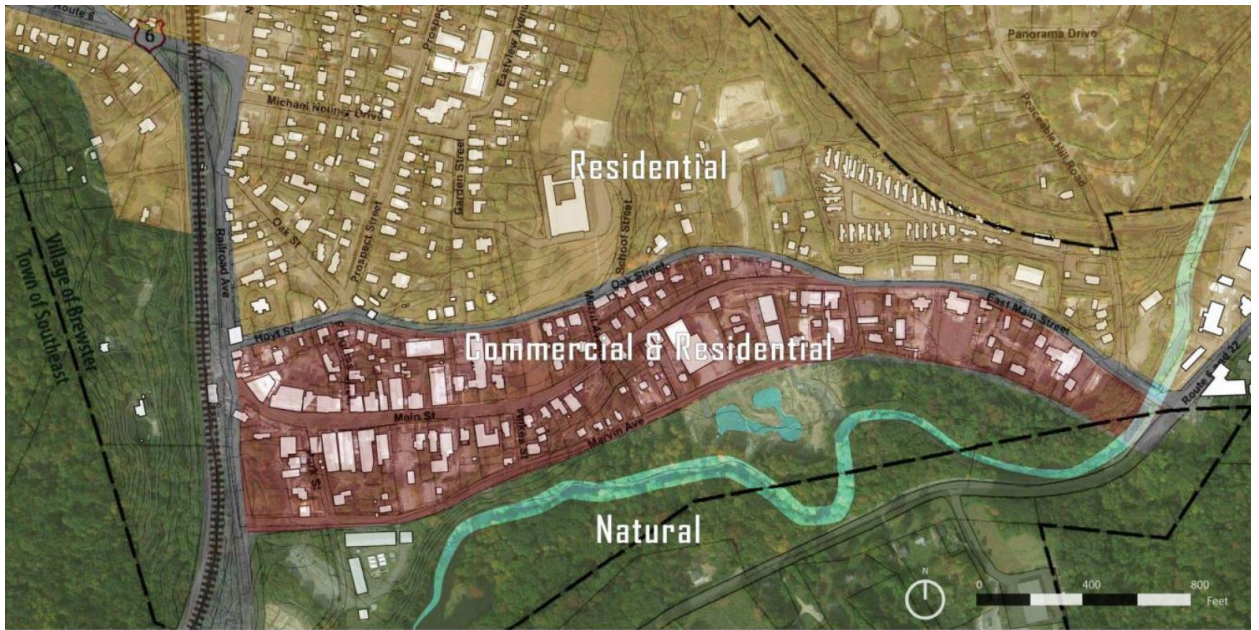


ENVISION BREWSTER

These images recall a vibrant time for Brewster, a cohesive architectural Main Street that has changed through the years. The goal of Envision Brewster is to respond to the history of Brewster, and the changes it's endured while encouraging new growth and creating a destination along the Metro-North rail line.



Covington
Development LLC



Village Layering



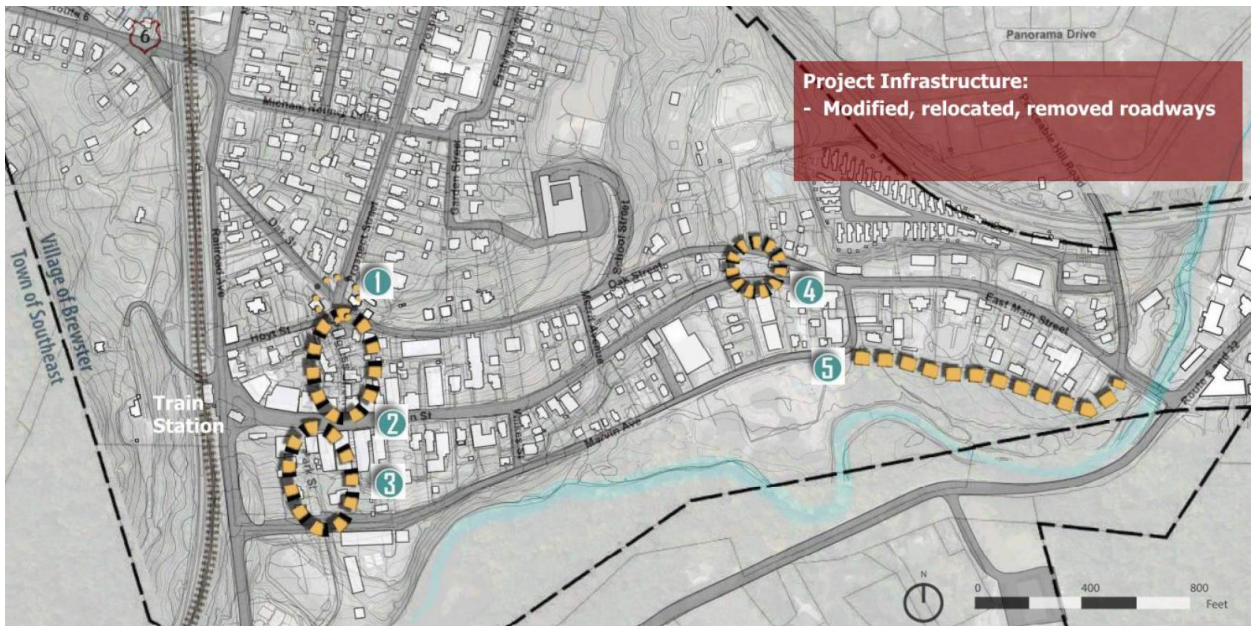
Improvement Opportunities



Comprehensive Plan Starts Here

TOD

- 1 Main South
- 2 Main North
- 3 Mid Main
- 4 Main East
- 5 Garden Street



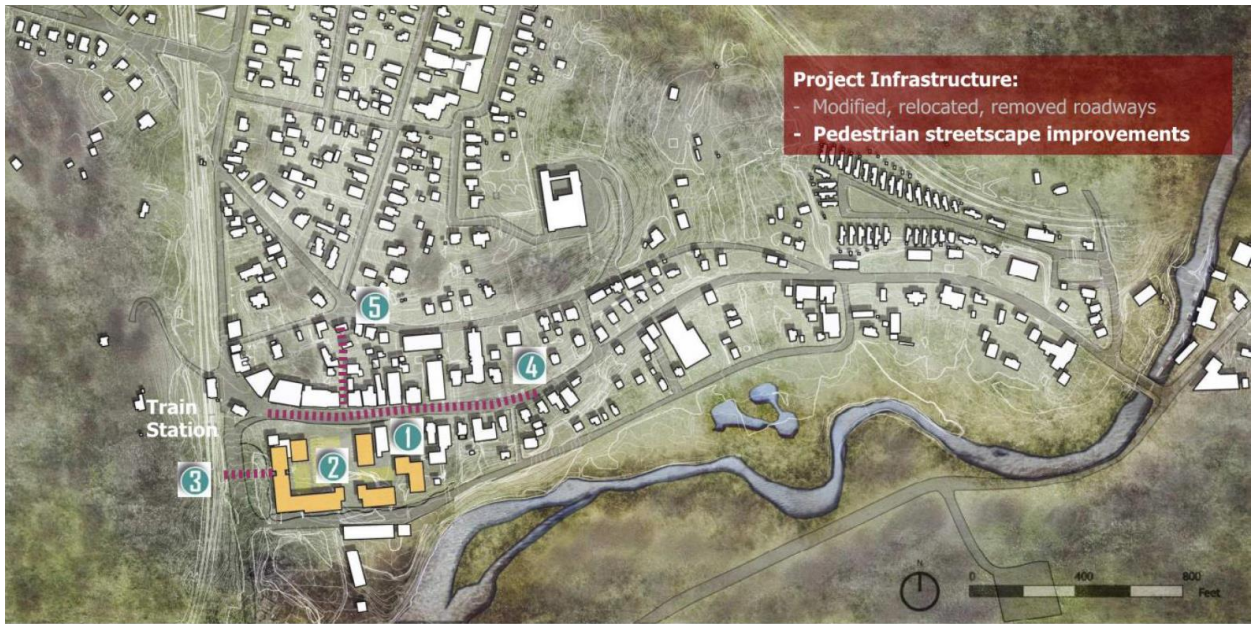
Project Infrastructure:

- Modified, relocated, removed roadways



Roadway Changes

- 1 New traffic circle
- 2 Convert Progress Street to Pedestrian Street
- 3 Omit Park Street
- 4 Modify Oak-Main Intersection
- 5 Extend Marvin Street to Peaceable Hill



Development Connectivity



1 Cultural Courtyard



3 Pedestrian Bridge



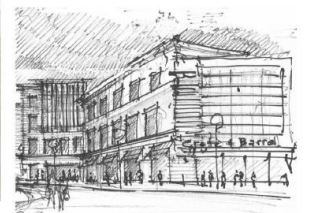
5 'Progress Steps' pedestrian avenue



2 Village Square



4 Walks, lamp posts, benches, trees



conceptual ideas...



conceptual ideas...

Main Street
looking southwest



conceptual ideas...

Marvin & Railroad
looking northeast



conceptual ideas...

Brewster Square
looking north



FERRANDINO & ASSOCIATES INC.
PLANNING AND DEVELOPMENT CONSULTANTS

March 9, 2016

To the Village of Brewster Board of Trustees:

I am the Principal of Ferrandino & Associates Inc. Planning and Development Consultants, and a licensed environmental and land use planner. I founded the firm in 1988, following several years in the public sector serving as planning director for several New York State municipalities, including the Cities of Peekskill and Mount Vernon, and the Town of Greenburgh. I also serve, or have served, as planning consultant in over 100 municipalities throughout the tri-state area, and have prepared over a dozen Blight Studies and Urban Renewal Plans and numerous Comprehensive Plans. I submit my bio as part of this testimony.

In rendering this report and the opinions contained herein, I have reviewed in full, or relevant parts of, the following documents and materials:

- Brewster Comprehensive Plan, dated June 2015
- Comprehensive Plan DGEIS, dated March 2015
- Comprehensive Plan FGEIS, dated June 2015
- Comprehensive Plan Findings, dated June 2015
- Brewster Blight Study, dated February 2015
- Brewster Urban Renewal Plan, dated August 2015
- Covington MOU dated July 22, 2013
- Village Board of Trustees Minutes for the February 18, 2015 Meeting
- Village Planning Board Minutes for the January 19, 2016 Meeting
- Village Planning Board Resolution of Qualified Approval, dated February 16, 2016

I also attended the February 24, 2016 Public Information Meeting

I submit this report at the request of Robert P. Morini and eleven (11) affected property owners in connection with the Urban Renewal Plan (the "Plan") now before the Board of Trustees for a public hearing. Based on my thorough review of the public record and attendance at several meetings with regard to the Urban Renewal Plan under consideration going back to 2011, I offer the following opinions for the record:

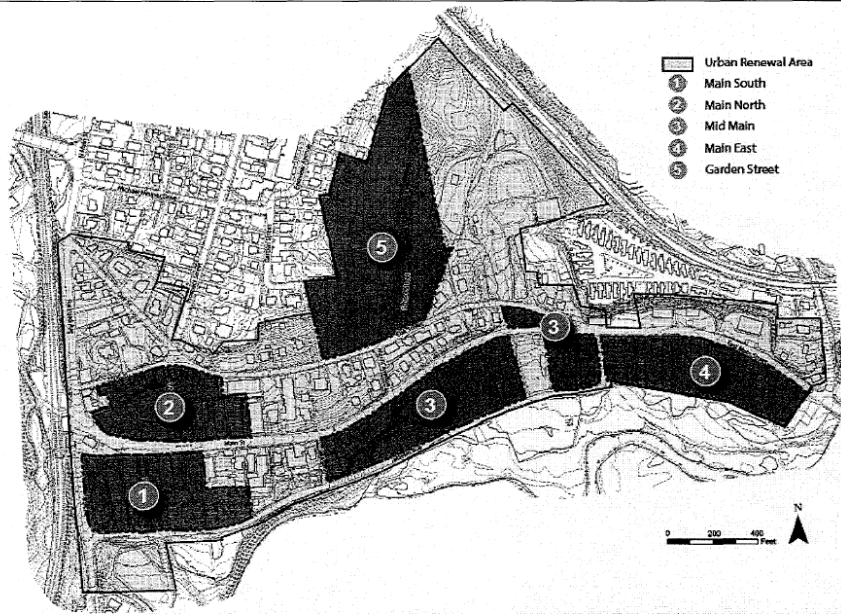
- 1. Actions to adopt this Urban Renewal Plan should be abandoned. Rather, alternative measures to reinvigorate the downtown, such as incentive zoning and creation of improvement districts, should be pursued.**
- 2. The Village and its consultants are not being candid. The only reason for the Village to adopt an Urban Renewal Plan is to allow the use of eminent domain, the**

right of the Village to take taxpayers property, for this developer-driven "vision" of downtown Brewster.

3. The Village has not followed proper procedure. Adoption of the Urban Renewal Plan will expose the Village to the potential for lengthy and expensive legal action, the costs of which would be borne by Village taxpayers. The Village Board's "acceptance" of the Blight Study at their February 18, 2015 meeting is insufficient to meet legal requirements and industry standards for determining blight and establishing an Urban Renewal Area.
4. The Blight Study, which underpins the legal standing for the Urban Renewal Plan, is seriously flawed. Categories defining blight are too broad and vague. In my opinion there is insufficient blight to meet the "best practices" 51% blighted threshold. Insufficient data are provided to substantiate the Blight Study's findings. Several properties identified as blighted were in fact undergoing renovations during the survey.
5. There is no support or reasoning for the creation of the five so-called "sub-areas" in the Urban Renewal Plan. Furthermore, the Urban Renewal Plan is not limited to these sub-areas. As currently drafted, all properties within the purported Urban Renewal Area (Exhibit 1 of the Plan, on page 3 of this document) are subject to the building moratorium in the Plan and are at risk of eminent domain.
6. The Urban Renewal Plan is not in conformance with the Comprehensive Plan. Issues relating to the use of eminent domain and associated costs, creation of new owner-occupied housing and historic preservation, as discussed in the Comprehensive Plan, are not addressed in the Urban Renewal Plan.
7. Additional environmental review is needed. The SEQR review undertaken for the Comprehensive Plan does not sufficiently address the significant adverse impacts that would result from adoption and implementation of the Urban Renewal Plan.
8. This Urban Renewal Plan appears to be entirely developer-driven, and ignores the voice of the Village as embodied in the Comprehensive Plan. The Village Board's Memorandum of Understanding (MOU) with Covington Development LLC dated July 22, 2013, (two years before the adoption of the Comprehensive Plan), which owns no property within the Village, is not the norm and inclusion of a developer on the Comprehensive Plan committee is questionable.

For all of these reasons, both the Blight Study and the Urban Renewal Plan, as currently conceived, should be summarily rejected.

As part of the public hearing tonight, we are submitting, for the record, a more detailed document addressing the points we have raised.



BREWSTER URBAN RENEWAL AREA
 Putnam County, New York
 Engineering, Surveying and Landscape Architecture, PC

**Urban Renewal Area and
 Redevelopment Sub-Areas**

Exhibit
1

REASONING FOR STATED OPINIONS

- **The only reason for the Village to adopt an Urban Renewal Plan is to attempt to use eminent domain, the potential for the Village to take taxpayers property.** Through Article 15 of the New York State General Municipal Law, the creation of an Urban Renewal Area and Urban Renewal Plan authorizes a municipality to bring eminent domain proceedings to take private property. While representatives of the Village Board of Trustees and the Village's consultants indicated at the February 24, 2016 Informational Meeting that the Village has no intention of using eminent domain, the threat of eminent domain remains.

As eminent domain is part-and-parcel of urban renewal, it should not be treated coyly in the Urban Renewal Plan, which currently does not address the issue at all. The Urban Renewal Plan should clearly state what properties are to be acquired, what methods of property acquisition are to be considered, and where eminent domain fits within those options.

- **Property acquisition under Urban Renewal is not free, and Village taxpayers should not be responsible for costs that directly benefit private developers.** Unlike previous decades, there is no longer any Federal funding for Urban Renewal. In order to make sure that the Village and its taxpayers are not on the hook for paying the costs associated with Urban Renewal, the Plan should clearly state who is responsible for financing any property acquisition and capital improvements under the Plan.

Additionally, under Article 15 and the Federal Uniform Relocation Act, any residents or businesses that will be displaced by Urban Renewal must be compensated for relocation costs. For residents displaced, new housing must be identified. The Urban Renewal Plan should clearly state who is responsible for administering and financing the relocation of residents and/or businesses when [1] a private developer is acquiring the property; and [2] when the Village is acquiring the property through eminent domain. The Plan should identify the number of businesses and people who will need to be relocated and estimated costs based upon Federal guidelines and requirements.

- **The Village has not followed proper procedure to date. Adoption of the Urban Renewal Plan may open the Village up to the potential for lengthy legal action, the costs of which would be borne by taxpayers. The Village Board's "acceptance" of the Blight Study at their February 18, 2015 meeting is insufficient to meet legal requirements for determining blight and establishing an Urban Renewal Area.** Article 15, Section 504 of the General Municipal Law requires that the Urban Renewal Area be "designated by the governing board...upon a finding that such area is appropriate for urban renewal...". Typically in accordance with Article 15 a governing body will adopt a resolution designating an Urban Renewal Area, based upon the

findings of a blight study. Without sufficient supporting documentation and a resolution designating the Urban Renewal Area, the Village has no legal standing to move forward with preparation of the Urban Renewal Plan.

- **The Blight Study, which underpins the legal standing for the Urban Renewal Plan, is seriously flawed. Categories defining blight are entirely too broad and vague. In my opinion there is insufficient blight to meet the "best practices" 51% blighted threshold. Insufficient data are provided to substantiate the Blight Study's findings. Several properties identified as "blighted" were in fact undergoing renovations during the survey.**

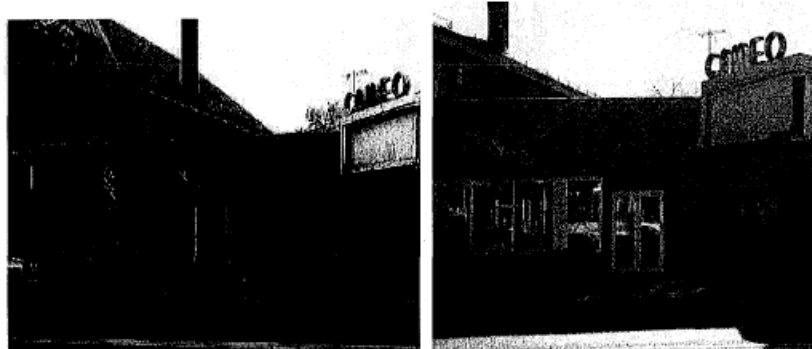
In the 2015 Blight Study, VHB states that 57.4% of the properties in the Study Area are considered to be in "fair", "poor" and "in between" condition. Although it is not specifically stated, it appears that all properties in "fair", "fair-poor" and "poor" building condition categories are considered blighted. This does not align with Article 15, which states that "the term "substandard or insanitary area" shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area..."

In particular, the "fair" category in the Blight Study is defined as "buildings, though structurally sound, contain[ing] deficiencies resulting from lack of maintenance and gradual deterioration. These deficiencies require corrective action beyond the scope of normal maintenance. These structures generally contain one or more intermediate defects, but not more than four. In addition, they may contain a number of slight defects which could be corrected without excessive cost."

The Blight Study fails to show that the "fair" or even "fair-poor" categories constitute a "substandard or insanitary area." As the "fair" category alone accounts for 49.7% of the buildings in the study area, the Blight Study must justify why it has determined that these structures are blighted. Without the "fair" properties, there would only be 7.7% blighted properties remaining. Best practices for urban renewal call for a minimum of 51% blighted properties to justify the designation of an Urban Renewal Area. Removal of the "fair" properties, which do not seem to meet the definition for "substandard or insanitary", from the calculations above would result in such a low concentration of blighted properties that would seriously call into question the area's eligibility for urban renewal.

Furthermore, the Blight Study does not contain any back up data to support the property condition assessments, cited in the Building Conditions map (Exhibit 5), which is the underpinning of the Study's "blighted finding". The only source for these data is the "VHB Field Survey". This survey, if it exists, should be attached to the Blight Study as an appendix and each property in the Study Area should have a data sheet that provides photos, building code violations, property values, tax arrears and other supportive

information that determines the property condition.¹ The data that are included in the Blight Study are often contradictory. For example, a photo of the Cameo Theater was included in the VHB Blight Study as an example of "obsolete" buildings on Main Street; however, in Exhibit 6 of the Blight Study, which is the most definitive source of "blight" available in the Blight Study, the Cameo Theater was not identified as an "obsolete building" but rather as a "vacant building" in "poor" condition. Additionally, some buildings in the Blight Study that were used to justify the "blight" of the downtown were under renovation at the time and had valid Village building permits open.



The Eagle Eye Thrift Shop on Main Street was undergoing renovations when photographed by VHB in May 2014. Renovations have since been completed and the building is reoccupied (January 2016).

The Blight Study groups "underutilized" buildings with "obsolete" buildings. However it does not define what an "obsolete" building is despite labeling several buildings as "obsolete" in Exhibits 4 and 6 and in the photographs attached to the Blight Study.

Exhibits 4 and 6 of the Blight Study identify "substandard" buildings (identified with a 'D'). However, no data are provided to support these designations.

The Blight Study states that "between June 2011 and June 2014, there were 332 code violations issued within the Study Area". No data are provided to support these citations. In 2015 and 2016, many of these violations may have been cured, and thus the blighting influences removed.

The Blight Study cites several buildings as being "overcrowded"; however it defines "overcrowding" as "lot arrangements cause[ing] buildings to be in close proximity to one another, with limited yard separation between buildings". This does not conform with the New York Department of State, Division of Code Enforcement and Administration which defines "overcrowding" by occupancy standards based on the number of square feet per person in a bedroom.

¹ The 2011 Blight Study, which the Village did not adopt, contained this information in its appendices.

Finally, the Blight Study fails to explain how the Village's topography, incompatible land uses and underutilized land fall within Article 15 as blighting influences.

- **There is no support or reasoning for the creation of the five "sub-areas" in the Urban Renewal Plan.** It is unclear what the origin and purpose of the five (5) subareas are. They are not included or discussed as part of the Blight Study and there is limited discussion about them in the Urban Renewal Plan. Based on the discussion by VHB and Tecton at the February 24, 2016 Public Information Meeting, it appears that these sub-areas are the areas intended for redevelopment under the Urban Renewal Plan. If this is the intended purpose for the five sub-areas identified in the 2015 Urban Renewal Plan, then the designated Urban Renewal Area should be confined to these sub-areas and not encompass the properties within the purported Urban Renewal Area as indicated in Exhibit 1.
- **Urban Renewal is not limited to the five sub-areas. All properties within the purported Urban Renewal Area (Exhibit 1) are subject to the building moratorium in the Plan and at risk of eminent domain.** The Blight Study calls for the Urban Renewal Plan to ameliorate the blighting factors identified with an "emphasis on rehabilitation of buildings that are suitable for such treatment." Additionally, "[c]learance should be limited to those locations where buildings are seriously deteriorated or vacant and where redevelopment is appropriate." (pg. 22) However, the proposed Urban Renewal Plan is unclear as to which properties in the Urban Renewal Area (which encompasses the entirety of the Blight Study Area) are targeted for acquisition and clearance.

If acquisition and clearance is limited only to those properties which are "seriously deteriorated or vacant", as recommended by the Blight Study, then it would be nearly impossible for large scale redevelopment to occur in the Village. In particular, the redevelopment around the train station envisioned by Covington Development LLC as presented by Tecton at the February 24, 2016 Information Meeting would be impossible to achieve, as more than one property within the "Main South" sub-area was rated as being in "excellent" or "good" condition.

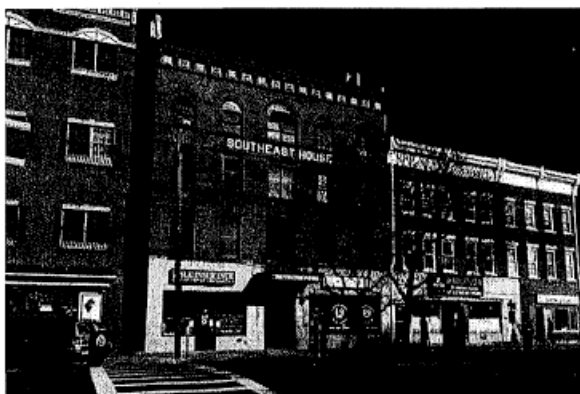
Alternatively, without a clear determination of which properties are targeted for acquisition and clearance, as is the case in the proposed Urban Renewal Plan, residents' property values will be negatively affected. The uncertainty of whether or not a property is or will be targeted for acquisition and clearance will make it more difficult for current residents or commercial owners to sell their property, and new residents may have more trouble obtaining loans to purchase property in the alleged Urban Renewal Area. In addition, the Urban Renewal Plan requires that any application for a permit for building construction or alteration, or for a certificate of occupancy, within the Urban

Renewal Area would have to be approved by the Village Board. This additional level of review, and the uncertainty of whether or not the Village Board would approve any renovations or upgrades to buildings within the Urban Renewal Area, would also depress property values. Based on comments from the public at the February 24, 2016 Information Meeting, some property owners have already encountered these negative consequences.

Furthermore, the option for rehabilitation is not addressed at all in the Urban Renewal Plan. This could potentially have the effect of demolishing all existing buildings within the Urban Renewal Area and rebuilding in accordance with the Plan, by some unknown developer or developers, with no known timeline. Full acquisition and clearance of the entire Urban Renewal Area would also wipe out the entire downtown and eliminate the historic character (and historic buildings) that the Comprehensive Plan seeks to preserve and capitalize on.

- **The Urban Renewal Plan is not in conformance with the Comprehensive Plan. Issues relating to the use of eminent domain and associated costs, creation of new owner-occupied housing and historic preservation are not addressed in the Urban Renewal Plan.** Section 11 of the 2015 Brewster Comprehensive Plan calls for specific items to be included in the Urban Renewal Plan which are missing, including:
 1. "[A]ssociated legal, appraisal and demolition costs need to be estimated" with respect to possible acquisition of private property with the use of eminent domain."
 2. "[C]osts for public improvements, rehabilitation and code enforcement. "
 3. "New housing as part of a TOD development adjacent to the Metro-North Station, and new owner-occupied residential development elsewhere in the urban renewal study area should be pursued."
- **The Urban Renewal Plan does not provide any protections, or means to preserve or rehabilitate historic properties.** If the Urban Renewal Plan is implemented as drafted it could result in the demolition of 15 of the historic properties identified in the Comprehensive Plan.
 - Of the 17 historic properties listed in Exhibit 1 of the Comprehensive Plan, 15 are located within the Study Area Boundary, which is coterminous with the designated Urban Renewal Area.
 - Six of the historic properties (Putnam County Savings Bank, #6 Residence, Walter Brewster House and landscaped grounds, Southeast House, 62 Main Street and 110 Main Street/Brewster Presbyterian Church) are considered "blighted" according to Exhibit 6 of the Blight Study.

- o Five of the historic properties (Putnam County Savings Bank, 84 Main Street, Southeast House, 62 Main Street and Park Street Residence) are included in the Urban Renewal Redevelopment Sub-Areas in Exhibit 1 of the Urban Renewal Plan.



The recently adopted Brewster Comprehensive Plan calls for preserving the historic character of downtown. In Section 10: Recommendations, the first "goal" of the Plan is to "preserve the Village's character, especially the historic assets located in the Downtown Center". The Urban Renewal Plan does not address this goal of the Comprehensive Plan. Instead it appears to promote the demolition of several of the buildings that contribute to this historic character.

All of the buildings pictured on the left are included in the "Main North" Urban Renewal Redevelopment Sub-Area. They include four (4) properties identified in the Village's Comprehensive Plan as historic, with one -- the Comstock Building -- listed on the State and National Register of Historic Places.

- **Additional environmental review is needed. The SEQR review undertaken for the Comprehensive Plan is not sufficient.** In numerous places, the Draft Generic Environmental Impact Statement (DGEIS) that was prepared for the Comprehensive Plan indicates that additional environmental review will need to be undertaken prior to the adoption of the Urban Renewal Plan.

"After adoption of amendments, the Village plans to establish an urban renewal district and adopt an urban renewal plan. These actions will be analyzed generically as part of this document, but may *require additional environmental*

review at the time of adoption or approval [emphasis added]." (Section 1.1, page 9).

"Future action including adoption of the zoning ordinance changes and the urban renewal actions recommended by the Comprehensive Plan by the Board of Trustees may also be subject to SEQR [emphasis added]." (Section 1.7, page 16).

The Comprehensive Plan and Urban Renewal Plan consider the revisions to the B1 and B3 zones as the primary implementation tool of the redevelopment process. However, the Comprehensive Plan DGEIS does not go into any detail as to what the impacts of full build out under this revised zone would entail. Additional SEQR documentation needs to be prepared to determine how many new residential units could be constructed under the revised zoning; how many units are anticipated to be constructed under the Urban Renewal Plan; how many new people would be added to the Village and all the other associated environmental impacts associated with this increase in population.

- **This Urban Renewal Plan appears to be entirely developer driven and ignores the voice of the Village as embodied in the Comprehensive Plan.** The Village representatives have presented the Village's partnership with Covington as part of the standard practices when preparing an Urban Renewal Plan. This is at best a half truth. There are numerous instances where developers have worked with municipalities to craft an Urban Renewal Plan, including the City of White Plains City Center Urban Renewal Plan (The Cappelli Organization), the City of Mount Vernon South Fourth Avenue-East Third Street Urban Renewal Plan (MVP Realty Associates LLC) and the City of New Rochelle Weyman Avenue Urban Renewal Plan (Costco/Home Depot). However, in all of these cases the City and/or developers were existing property owners within the respective Urban Renewal Areas. That the Village Board signed an MOU with Covington, without issuing an RFP for developers, granting Covington exclusive rights to develop the entire Urban Renewal Area, when Covington had no vested interest, is very questionable.

To this day, to our knowledge, Covington does not own a single property within the Urban Renewal Area. Meanwhile, the MOU states that Covington has "Planning Exclusivity" for two years (24 months) from the effective date of the adoption of the Comprehensive Plan, which states that the "Village shall not enter into or offer or agree to enter into...any negotiation, discussion or agreement with any other firm, person, or other entity with respect to the Project (or any similar project) proposed to be undertaken in the Project Area other than Covington". This "Project Area" includes the entirety of the purported Urban Renewal Area. Despite the Village's assertions to the contrary, the MOU would then seem to preclude any development of the downtown by current property owners.

CONCLUSIONS

For all the reasons and issues listed above, actions to adopt this Urban Renewal Plan should be abandoned. Rather, alternative measures to reinvigorate the downtown, such as incentive zoning and creation of improvement districts, should be pursued. To move ahead with the Urban Renewal Plan as written would expose the Village to potential legal action, at great expense to the Village taxpayer, which in my opinion, the Village would lose. If, as the Village has asserted they do not seek to utilize eminent domain in order to revitalize the downtown, then there is no need for an Urban Renewal Plan at all. The Village should simply proceed with revitalizing the downtown per the recently adopted Comprehensive Plan and revised Zoning Code.

The Zoning Code revisions, which were adopted following the Comprehensive Plan, already include the necessary changes that would allow the implementation of the Urban Renewal Plan, without the threat of eminent domain. Coupled with other creative incentives, improvement districts, and the like, the Village downtown could be revitalized, similar to the Cities of Beacon or Hudson, New York without Urban Renewal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vince Ferrandino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Vince Ferrandino, AICP
Principal
Ferrandino & Associates Inc.

BNR
Berlandi Nussbaum & Reitzas LLP
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527 Route 22 | Suite 2
Pawling, New York 12564

March 9, 2016

BY HAND

Honorable James J. Schoenig, Mayor,
and Members of the Board of Trustees
Village of Brewster ("Village")
50 Main Street
Brewster, NY 10509

Re- Urban Renewal Plan

Dear Mayor Schoenig and Members of the Board of Trustees (the "Board"):

This firm represents Robert Morini and eleven (11) affected property owners in connection with an Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") now before the Board for a public hearing. The undersigned appeared at a previous public hearing held on January 12, 2016 before the Planning Board on the Plan, and made numerous legal points in connection with the Plan's compliance with Article 15 of the General Municipal Law ("GML"), all of which were ignored by the Planning Board when it adopted its so-called: "Resolution of Qualified Approval with Recommendations for Modifications" on February 16, 2016 (the "Resolution"). I also attended the Village's "Informational Meeting" on February 24, 2016, and have reviewed various minutes and audio tapes of relevant meetings of both this Board and the Planning Board. Having now had the opportunity to fully review the available record upon which this Plan relies upon, and based further upon the report prepared for my clients by Ferrandino & Associates Inc. enclosed herein, we believe the proceedings heretofore conducted by the Village on the Plan have been fatally flawed, for the following reasons:

- 1. The Board failed to comply with GML Section 504, a legal prerequisite to the proceedings previously conducted before the Planning Board and to the public hearing now before this Board.** GML Section 504 expressly states that an urban renewal area "shall be designated by the governing body...". GML Section 505 goes on to state that only after this

formal designation shall an urban renewal plan be prepared “for such area in its entirety”. However, where it is deemed “necessary or advisable” to have the plan “carried out in stages”, then a Plan is prepared for only “a part or portion of such designated area”. Here, the Board failed to ever formally designate an urban renewal area or areas under GML Section 504, and also failed to independently make the required finding(s) that such designated area or areas are appropriate for urban renewal as defined in GML 502 (3), both mandatory and indispensable prerequisites for lawfully moving the process forward under Article 15 of the GML. Moreover, neither this Board nor the Planning Board previously deemed it “necessary or advisable” to carry out the plan in stages, nor did the Board properly declare parts or portions of a larger designated area appropriate for urban renewal, since no urban renewal area or areas were properly designated at the outset. Accordingly, what the true “designated” urban renewal area is in this instance, or even what the so-called “subareas” mean in the Plan, is completely unclear, creating fundamental confusion and lack of understanding not only for the public, but even for some Village Officials. (see the minutes of the Planning Board meeting of January 19, 2016 and the minutes of the Board of Trustees meeting of January 20, 2016, among others) The bare motion adopted by the Board relative to the Blight Study on February 15, 2015, which merely speaks of a “Study Area”, is not a proper designation under GML 504, nor do the conclusions of the Blight Study amount to finding or findings required thereunder, which incorporates by reference the very detailed definition of “urban renewal” under GML Section 502 (3).

2. The Planning Board Resolution adopted on February 16, 2016 fails to comply with GML Section 505. Section 505 states that the Planning Board must certify that any urban renewal plan for a previously designated area, or for part or portion of such a designated area, complies with GML Section 502 (7), and conforms to the finding made pursuant to GML Section 504. In this regard, the Planning Board Resolution fails on its face because this Board never actually designated an area or areas for urban renewal at the outset, nor did it make the requisite finding under GML Section 504, as noted in 1 above. Moreover, the Planning Board’s determination that the Plan conforms to the current Comprehensive Plan is blatantly incorrect, as more fully set forth in the enclosed report of Ferrandino & Associates, Inc. In fact, the Plan does not conform to the Village’s Comprehensive Plan, with the most glaring example of this lack of conformity being the void of information and detail required by the Comprehensive Plan on eminent domain and its consequences, as set forth in 11. B. thereof, captioned “Urban Renewal” under “Implementation”, page 11-3. This section of the Comprehensive Plan also expressly recognizes the need for the Board to designate an urban renewal area prior to the preparation of the Plan, as noted above. The Urban Renewal Plan’s lack of consistency with the

Comprehensive Plan, including the lack of requisite information called for by the Comprehensive Plan and by GML Article 15, such as the necessary details on eminent domain, fiscal impacts thereof and code compliance, all belie the Planning Board's determinations of consistency and conformity. For instance, the Plan fails to disclose to property owners/taxpayers that properties will go off the tax rolls for a period of up to 99 years once eminent domain is exercised by the Village, as set forth in GML Section 506 (1) (b), and also fails to fully explain the consequences of what is effectively a "moratorium" on building permits, construction and alterations that will go in to effect for up to 3 years once the Plan is approved, pursuant to GML Section 503 (h). The Plan is also lacking in timing/sequencing details, leaving it essentially open ended. Moreover, the Plan utterly fails to explain what vehicle or vehicles will be used for implementation. For example, there is a reference to Article 15-A of the GML, but no accompanying information or explanation that an Urban Renewal Agency will be established for the Village of Brewster. There are prior references to an "urban renewal district" (see, e.g., Comprehensive Plan Section 1.1, p.9), but once again, no information or details about what this would entail are provided, or how much of the Village would be included. In closing, the *de minimus* changes recommended in the Resolution fall woefully short of what would be needed to properly inform the public and to bring the Plan in to conformity with GML Article 15.

3. Because of all of the previous legal defects and omissions, this Board cannot approve the Urban Renewal Plan under GML Section 505 (4). In order to approve the Plan under GML Section 505 (4), this Board must find that the "designated" area (or previously designated parts or portions of such area): (a) is substandard or insanitary, or in danger of becoming substandard/insanitary, and tends to impair the arrest or sound growth and development of the Village, (b) financial aid is necessary to enable the plan, (c) the plan affords maximum opportunity to private enterprise (and shouldn't this include existing business/property owners?), (d) conformity to the comprehensive plan which, as noted above, is completely lacking with respect to the section on urban renewal, (e) there is a feasible method for relocation of families/individuals displaced from the urban renewal area into decent, safe and sanitary dwellings, which are or will be provided in the urban renewal area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment, and if urban renewal activities being carried out/undertaken in stages is in the interest of the public, or if this will cause increased hardship to the residents. Based upon the existing record, including a Plan that Village Officials even described as merely a "draft" at the informational meeting on February 24th, it would be indefensible for the Board to approve

this Plan, given the underlying requirements of GML 505 (4), and all of the deficiencies of the underlying Blight Study, as more fully set forth in the enclosed F&A report.

4. The Village has violated SEQRA. The Village has completely ignored the State Environmental Quality Review Act, or "SEQRA" (ECL Article 8; 6 NYCRR Part 617, et. seq.) in advancing the Plan, and cannot now rely upon the prior GEIS to comply with SEQRA. Specifically, and as further set forth in the attached F&A report, the Generic Environmental Impact Statement (GEIS) that was prepared for the Comprehensive Plan envisions that additional environmental review will need to be undertaken prior to the adoption of the Urban Renewal Plan: "After adoption of amendments, the Village plans to establish an urban renewal district and adopt an urban renewal plan. These actions will be analyzed generically as part of this document, but may *require additional environmental review at the time of adoption or approval* [emphasis added]." (Section 1.1, page 9). "Future action including adoption of the urban renewal actions recommended by the Comprehensive Plan by the Board of Trustees may *also be subject to SEQR* [emphasis added]." (Section 1.7, page 16).

The prior Comprehensive Plan and the Urban Renewal Plan itself reference proposed revisions to the B1 and B3 zones as a primary implementation tool for redevelopment. However, the prior GEIS does not go into any detail as to what the impacts of full build out under this revised zone would entail. Additional SEQRA documentation needs to be prepared and reviewed to determine how many new residential units could be constructed under the revised zoning; how many units are anticipated to be constructed under the Urban Renewal Plan; how many new people would be added to the Village and all the other associated environmental impacts associated with this increase in population. In addition, and as noted above, the Comprehensive Plan calls for much more detail regarding the consequences of eminent domain in the Plan, including (fiscal) impacts associated with acquisition, such as legal, appraisal and demolition, as well as costs for public improvements, rehabilitation, code enforcement and displacement. The Urban Renewal Plan is completely devoid of this information on eminent domain, and in fact never even expressly mentions eminent domain at all. The Board cannot use this material omission as an excuse to now avoid an additional SEQRA review.

Had the Board properly complied with SEQRA relative to the actions taken under GML Article 15, it would have already classified the Plan, which we believe is a "Type 1" action under Section 617.4, prepared a full EAF, circulated and established itself as "Lead Agency" and then made a SEQRA determination on the Plan (Sections 617.6 and 617.7), which we believe would be a "positive declaration" in this instance, requiring the preparation of a supplemental GEIS

(Section 617.9 (a) (7)), which is then subject to the full procedures of 6 NYCRR Part 617. Because the Board wholly failed to comply with SEQRA in advancing the Urban Renewal Plan, any attempt to now approve the Plan would be a nullity, because it failed take the requisite "hard look" at the Plan under SEQRA, and the GEIS associated with the Comprehensive Plan clearly does not cover all of impacts associated with the Plan, particularly the significant impacts of eminent domain.

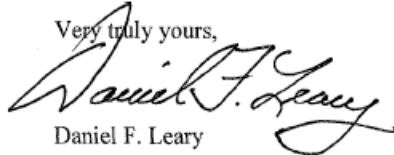
5. The Board's Memorandum of Understanding (MOU) designating Covington Development LLC (Covington) as the exclusive, preferred developer. On or about July 22, 2013, the Board signed an MOU with Covington granting Covington exclusive rights to develop within an entire urban renewal area. As far as we know, the Board never issued a Request for Proposals, or "RFP", for other developers prior to executing the MOU with Covington, nor do we believe that Covington has any prior vested interest in the Village by property ownership or otherwise, unlike developers in other municipalities that have entered in to such agreements with established urban renewal agencies (see F&A Report, p. 10). As far as we are aware, Covington does not own any real property within the Village of Brewster, nor has it ever developed or redeveloped property within the Village. Moreover, we are not aware of Covington ever being involved with any urban renewal project or projects. In fact, Covington seems to exclusively focus on development outside or urban or downtown areas. Nevertheless, the MOU gives Covington "Planning Exclusivity" for two years (24 months) from the effective date of the adoption of the Comprehensive Plan, and precludes the Village from entering "into or offer or agree to enter into...any negotiation, discussion or agreement with any other firm, person, or other entity with respect to the Project (or any similar project) proposed to be undertaken in the Project Area other than Covington". This "Project Area" includes the entirety of an urban renewal area. Despite previous representations by Village representatives to the contrary, the foregoing language would arguably preclude any development or redevelopment of properties within the Village by current property owners while the MOU remains in effect, beyond the statutory "moratorium" on such activities that would go into effect once the Plan is approved under GML Section 503(h), as referenced above. If it is determined that the Village's unilateral, exclusive dealings and agreement with Covington constitute impermissible favoritism toward a private party, this will prove fatal to any future acquisition efforts by the Village toward urban renewal, because such efforts will be considered pretextual for a preferred private developer.

In view of the foregoing, we strongly believe that moving ahead with the Plan on the current path is fraught with risk, and is legally untenable. In other words, we believe that the Village of Brewster

would have no choice but to start over with the process under GML Article 15 if it were to continue with the pursuit of a government mandated urban renewal program, one that includes the possibility of eminent domain and forced displacement. However, that is not what we are asking for this evening. Rather, we strenuously urge this Board to abandon the heavy handed, draconian approach that has been pursued so far, and to instead work collaboratively with property owners and merchants within the Village, including my clients, toward revitalization through more voluntary means, such as the formation of a merchant association or a business improvement district, adopting incentive zoning and offering economic packages/incentives for appropriate projects, all of which will foster sustainable development within a Village which has the transit oriented, pedestrian friendly features that have resulted in the successful revitalization of so many other places, without using the extreme approach of municipally imposed "urban renewal".

Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in cursive script, reading "Daniel F. Leary". The signature is written in dark ink and is positioned above the printed name.

Daniel F. Leary

cc: Anthony R. Mole', Esq.

Mr. & Mrs. John G. Gress

Village of Brewster
50 Main Street
Brewster, NY 10509

Board of Trustees

Re: March 9, 2016 Public Hearing Urban Renewal Plan

Good evening.....

My name is Jack Gress, my wife Jo and I live in the village at 47 Peaceable Hill Road. Thank you for giving me this opportunity to speak.

I am the owner of "Someday Retirement Community" which is an Affordable Senior Housing Community and it is not subsidized by the taxpayer.

I am a successful businessman in the village of Brewster since 1983. I own 2 homes 5 properties and several buildings on my 6+ acres of land.

I am the president of "The Coalition for a Better Brewster" and our group has run Founders Day (25 yrs) and the Farmers Market (22 yrs). The Coalition did the original Revitalization Plan in 1999 and it was an excellent presentation.

I care about the village and I have enjoyed volunteering for the community.

My goals are to help improve the village in whatever way I can. I am not looking for a profit or recognition and I am willing to contribute toward this goal; the "reward is in the giving" and protecting our community for the future.

I have participated in the Village of Brewster as a member of the Zoning Board of Appeals, Task Force, Envision Brewster and the Comprehensive Plan Committee. We have succeeded in presenting a Comprehensive Plan that was done by a Committee.

The Revised Zoning Chapter 263 was done by a select few and I did not agree with that process without the assistance of a committee. I would like to have seen an updated FGEIS (Final Generic Environmental Impact Statement) and a Findings Statement for the Revised Zoning CH 263 instead of a "declaration of no impact".

The Blight study done by VHB is lacking a lot of information (Very Vague) and had incorrect data (% of blight) which was never corrected.

Mr. & Mrs. John G. Gress

The Urban Renewal Plan (URP) was only 12 pages long and so poorly written that the Board of Trustees should have not paid for the services rendered. Previous Urban Renewal Plans done by Saccardi and Schiff were 4 to 10 times more information; it is a tragedy that we lost John Saccardi. My opinion is business minded and based on common sense.

No SEQR (State Environmental Quality Review) or Findings Statement were done or proposed on the URP; will the trustees continue to use FGEIS from the Comp Plan again?

Why is the URP Area set beyond the 5 sub areas? The suggested area is unnecessarily putting a lot of property owners in jeopardy.

Unfortunately, we are spending way too much money with very poor results. The village has spent almost a $\frac{1}{4}$ million dollars to date on the Revitalization process and if the taxpayers had an opportunity to know the costs up front it would have been voted down.

So far there is no promise of a return for our investment in writing.

Under the banner of economic development all property in the URP is vulnerable to "Taking" and transfer to a private owner.

Three (3) of my properties are in the URP area and they are declared good condition. My home is one of the properties and it is declared excellent condition; could it be taken for the public good and force me to move? The answer is YES

The URP area line cuts through part of my Retirement Community, taking a portion of 8 homes which would have to be removed. This would eliminate 8 Affordable Senior Housing Units. It also cuts off my entrance road leaving the possibility of no access.....WHY!No detail again.

Eminent Domain is a taking my property rights. The Supreme Court in the *Kelo vs New London*, June 23, 2005 decision, took away our constitutional property rights. Justice's Thomas, Scalia and O'Connor were correct in dissenting. Justice Kennedy concurred only because there was no pre-named developer beforehand; that is not the case in Brewster. By the way after spending 78 million dollars and losing tax revenue, New London is still undeveloped and Pfizer has moved to Ireland.

If this process continues we could end up like Portchester, NY with fraudulent abuse of eminent domain.

Mr. & Mrs. John G. Gress

There is no analysis in the Village of Brewster of what the tax costs could be if Eminent Domain is initiated. I want to see detailed proof that the "Taking" will increase our tax base and Benefit Public Use; not the Developer.

We do not know who is going to pay for Land Acquisition or Capital Improvements; nothing is in writing?

If the URP is adopted another Moratorium will be in place and property improvement will require permission from the Board of Trustees. Work performed will be under the control of Covington Development Inc. as per the Memorandum of Understanding (MOU). At the last VOB meeting March 2, 2016, Trustee Piccini proposed future set up an Urban Renewal Agency (URA) and to establish a Land Acquisition Development Agreement (LADA) which I believe will also be with Covington. No details again, will the board just approve and have the mayor sign?

Changes will have to be made to the zoning CH 263 in B1 for the (Transit Oriented Development) (TOD) and a new District will have to be established according to the Comp Plan. Originally we were supposed to do the Urban Renewal 1st and then the zoning, but that was changed. A local law was also proposed for TOD as an Overlay District; what is happening - there is no detailed explanation.

If I am forced to sell my property by acquisition or Eminent Domain Taking, I will end up paying a 28% Capital Gains tax. I want to retire on my current income and the let my children inherit everything I worked so hard for.

I would like to see revitalization without Urban Renewal and remove the threat of Eminent Domain.

THERE IS AN ALTERNATIVES: (working on this)

Establish conditions that will do the most to induce private investment.

Let property owners rebuild what they can, replace what they want.

Encourage incentives to replace serious blighted properties.

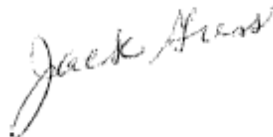
Refrain from interfering with private investors.

Stop incessant meddling with free enterprise through over regulation.

Offer tax abatement to new buildings.

"Our Future"

Jack Gress



I want to state out front that I fully support the redevelopment of Main Street, and any tax increases required.

My only fear is that some how the planned apartments will change into subsidized housing instead of market rate housing. The idea was to get people with disposable income into the Village. This was to encourage upgraded stores, restaurants and entertainment venues on Main Street.

1. If there is no plan for renewal on the North side of Oak Street, the houses should be removed from the Urban Renewal Plan map.
2. Are sidewalks required on both sides of the street?
 - a. What is the cost for the sidewalk on the East end of Oak Street for one example?
 - b. Price per foot of pouring sidewalks
 - c. Costs for acquiring the necessary property
 - d. Cost to retaining wall required?
 - e. Would Taxpayers fund this or is a developer going to fund this?
 - f. Costs could be much lower to the tax payer if Oak Street was made one way and the sidewalks placed in the existing road way.
3. Closing of Progress Street for pedestrian use
 - a. What happens to the houses/business who will no longer have parking/access to the property?
 - b. Who funds the acquisition of the properties and what of the lost taxes?
 - c. Will the pedestrian use be made Handicapped accessible?
4. Closing the street behind 1 Main Town Offices will divert traffic from Main Street onto Marvin Avenue decreasing the likelihood doing business on Main Street.
5. Realigning Oak Street and East Main
 - a. What is the cost of acquiring the present properties?
 - b. What about the lost tax base?
 - c. What is the cost of construction?
 - d. Is it Taxpayer or developer funded?
6. Five corners roundabout
 - a. Same questions as above?
 - b. Purpose to speed traffic thru the interstion, but in other places in the documents it is desired to slow traffic on Oak Street, which is the guiding objective?
7. School Tax increase
 - a. Currently approx. 3187 kids in school
 - b. 250 units with 1.3 school age children (from the web studies) per is 325 children, school taxes should go up about 10%

We must remember that there will be tax increases involved with all of this and the costs should be stated. Nothing is free

We all asked for more recreation areas, we got Wells Park it is lovely and a great job has been done. Over \$52,000 has been spent to get the park prepared for next year. Now sidewalks to the park are proposed. Total taxes collected this year were \$651,000, this could have reduced your taxes by 8%. There will be ongoing operating expenses. It would have been nice to have had these costs presented at the time the Park was accepted.

The sidewalks, lost tax base, tax abatements, and other improvements will increase our taxes and the taxpayers should be given these costs now to prevent a shock at tax time.

Peter Brewster Hansen

From: Terri Stockburger <tp.stockburger@verizon.net>
Sent: Wednesday, March 09, 2016 2:05 PM
To: 'Peter Brewster Hansen'
Cc: 'richard stockburger'; 'Richard Ruchala'; 'Jack Gress'
Subject: my thoughts Pete please forward to the board

In regards to the Public Hearing this evening and referencing what I heard during the VHB presentation, the Board can make any changes.

The first change is to redraw the lines for the Urban renewal zone to the immediate area planned for change, a phased approach, ie the cluster by the train station. Is this the 5 year plan?

Lacking that change then please remove North side of Oak Street which will increase the blight percentage removing NICE houses.

Nothing prevents you changing the plan that was bought from VHB, VHB said you could make changes.

We don't have to include every vision from the comp plan and that is how it seems.

I would like to see a phased plan, that is priced out and presented with the impact to the tax payers in the village.

Including areas that probably won't be changed in the next 10 years is BAD as you have damaged the market value of every property in the zone.

Respectfully submitted,
Terri Stockburger
Resident at 50 Oak

*How young you are is your business.
How young you look is mine!*

*Terri Stockburger
Beauty Consultant
845 729 0831
www.marykay.com/tstockburger*

Peter Brewster Hansen

From: compbob_2000@yahoo.com
Sent: Tuesday, March 08, 2016 10:56 PM
To: Peter Brewster Hansen
Subject: Letter for urban renewal meeting.

Dear Board Members

I am writing this to express my concerns about the Urban Renewal Plan and some of the outside comments I have been reading about in the paper and on social media. As a member of the committee that assisted in working with the Board, consultants and planners I am very concerned about many comments from the public and even former committee members. I do wish I could attend the meeting, however I am unable to due to other commitments. I would like these comments submitted for the public hearing and/or read into the record.

There are many valid concerns that have been raised by the public. There are numerous concerns of costs and taxes. While we are all concerned with these two things, I am most disturbed by the distorted rhetoric regarding possible costs and taxes due to urban renewal.

Like any major project, the taxpayers must be assured that no project would be "fast tracked" or have a SEQRA or Planning Board process sidetracked or derailed. Cost and tax projections at this point are futile since no project is currently in the works or being proposed. Having members of the committee or public politic about potential tax increases while no project has been proposed is not only imprudent but careless and reckless. This is especially so if you were a member of the Urban Renewal committee. My greatest concern is that projects may not go through a full public hearing process and I would like to hear the Board confirm that projects brought about as a result of Urban Renewal will go through a public approval process where warranted and necessary.

Major projects, such as many that have been spoken of will require public input or be forced to go through a SEQRA process. This would require the developer to mitigate all the negative impacts of the project. This includes things like traffic studies, neighborhood impact, sewer/water impact and tax impact. Of course, every developer always states that their development makes money, however this is never the case. No development has ever been tax positive (meaning a lower tax bill for individuals), which is why we have these never ending tax increases on all levels of government despite numerous commercial developments countywide.

I would suggest that all new developments that are a result of urban renewal prove to be tax positive or tax neutral. This includes road improvements, sidewalk enhancements, school enrollment and all the like. Too often the developer walks with money in their pocket at the expense of taxpayers. All of these do get hashed out in any planning board process, however most planning boards brush over these details and indeed side with the development at the expense of the taxpayer. I hope our planning and zoning boards are up to this future challenge.

I don't want to see a developer receiving a tax break, but I also am tired of seeing Village properties stagnate and remain in various states of disrepair or receive just marginal improvement. I haven't been here as long as many residents in the Village, but I can tell you I'm tired of the small town politics and underhandedness that works against anything that tries to invoke change.

To be frank, I think those outside the Village are confounded as to why progress takes so long in such a small place. While other train towns prosper, this is like the land that time forgot.

The answer to this issue becomes clear when you enter the boundaries of the Village and its politics. I have watched a small group of people constantly work to tear any forward progress apart and not provide any solutions that are worthwhile or would ever result in something fruitful. This group, I believe, is once again at work during this process and seems to work both ends of process - by participating in the planning and then tearing apart what they just planned.

As a business owner in the Village I am very concerned about taxes. There is a heavy tax burden on Village residents for County, School, Village and Town. I believe this burden is exacerbated by the continued lack of viable development and the constant underhanded tactics of this small group. I have witnessed this first hand on many occasions.

I can only hope that urban renewal brings about change at the expense of the landlords and property owners that have been holding back this Village for decades. Some of the costs will be worthwhile to get the handful of bad seeds out.

Bob Dumont
Blue Sky Bridge, LLC
162 Main Street
Brewster, NY 10509

Questions:

Andrea Dunham / Christopher Riccio 52 Oak street Brewster NY

1. How is the Urban Renewal being funded (e.g.: government? Private investor(s)?
2. How does the Urban Renewal effect the VOB residents' taxes?
3. What is the time line for the renewal's begin and projected end date?
4. What are the repercussions from a bank loan standpoint, of a property being included in the blight study?
5. It's been said the study appears to have surveyed the Village aerially, and that is the reason the property delineations are so random. What additional surveying is going to take place to more accurately assess urban blight and the properties that must be included in this study.
6. If, as it has been indicated to me by my neighbor Rick Stockburger, there is to be a widening of Oak street to incorporate two bike lanes in both directions on a two-way street, PLUS sidewalks each side, does the street expansion extend down the slope on the South side or up on the North, and what is the plan to demolish and rebuild those portions of the properties that this substantial widening will effect?
7. and..If an encroachment onto our private property is deemed necessary to widen Oak St, what compensation will we receive?
8. Who will be the main users of the said bike path on Oak street and what will be the average daily use?
9. Does the Urban Renewal plan include any development to attract fly fishers wanting to travel to Brewster to and experience some of the finest fly fishing in NY? Is there any plan to include a bike path along the water, more parking for fisherman and women?

Peter Brewster Hansen

From: Karen Hill <marshalhill@me.com>
Sent: Tuesday, March 08, 2016 9:39 AM
To: phansen@brewstervillage-ny.gov
Subject: URP Public Hearing on March 9

Hi Peter,

I wanted to submit these questions to the board. I had submitted them to Christine for the last hearing on 2/24 while we were traveling. She contacted me the other day and asked that I submit them to you directly.

Here are our questions from Karen Hill and Frank Marshal, 48 Oak Street, Brewster, NY

1. Why is our house on the Blight Study? Can it be removed from it asap?
2. What is the variance in front of our house to the street?
3. What are the intentions for Oak St and our property?
4. If the plan is to add a sidewalk, bike path and 2 lane traffic to Oak St, how will this effect my property and the unsightly damage created to our property by adding these changes?
5. If our house can not be removed from the Blight Study, (worst case), in the urban renewal plan, stage 1, is to acquire properties. Is it the village's intention to acquire our property?
6. And, if so, how will property values be assessed?

I would like to add this question (not previously submitted), 7. How will this all effect our property taxes?

I would like to add a comment for the record: We are urban renewal. We moved here to become part of a better Brewster and all its potential. It seems to us that the Blight study should encompass the worst properties and not the entire downtown area. I'd hate to see the heart, soul and charm of Brewster Village be torn down.

We'll see you on the 9th.

Thank you,
Karen Hill & Frank Marshal=

Handwritten questions received at the public hearing:

DENIS + CATHERINE O'SULLIVAN

GREAT PLANS

HOPES IT WORKS OUT

BUT YOU FOLK HAVE A TOUGH
ROAD AHEAD BUT PLEASE

KEEP UP THE GOOD WORK

I WAS HOPING THE ARCHITECTURE
WOULD INCORPORATE SOME OF
THE CHARM THAT ALREADY EXISTS
IN BREWSTER.

I'M VERY DISAPPOINTED.

200-300 RENTAL UNITS?

WHAT HAPPENED TO MORE
OWNER OCCUPIED HOUSES? RENE
& MEADOW, LN. DIAZ

PLEASE INSTITUTE A TIME
LIMIT ON SPEECHES.

3 TO 5 MIN PER PERSON SHOULD
BE SUFFICIENT AS IN OTHER
COMMUNITIES.

R. Lowell
42 Center St

Janet Ward - 20 Center St. Brewster,

- The current Urban Renewal Plan - section

V-A - Land Acquisition

C - Relocation

X - Duration

I request that the Urban Renewal Plan include references + text of all laws that these sections are in compliance with. This should also include legal reference + text to prove that competitive bidding procedure has been followed in the Developer matter + the LADA. →

This plan needs to include specific process including reference to ~~legal~~ NY law that indicates the specific steps are in compliance with.

Karen Hill:

The map is missing a house, behind 48 Oak St, ~~the~~ a 2 family built in 2008, please update the map.

Anonymous:

No Urban Renewal Plan

Give the Owner opportunity
not the builders